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AD HOC GROUP ON THE BERLIN MANDATE
Second session
Geneva, 30 October - 3 November 1995
Item 1 (a) of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS

Note by the Executive Secretary

Addendum

I. ANNOTATIONS TO THE PROVISIONAL AGENDA

1. Organizational matters

(a) Adoption of the agenda

1. The provisional agenda for the second session of the AGBM is presented for adoption. The provisional agenda is based on the provisions of the Berlin Mandate (FCCC/CP/1995/7/Add.1, decision 1/CP.1) and the conclusions reached by the AGBM at its first session. With respect to the analysis and assessment, these conclusions provide that "the purpose of the analysis and assessment is to assist, in an iterative manner, the negotiation of a protocol or another legal instrument. In this context, the analysis and assessment and the other elements of the Berlin Mandate process have to be well integrated in order to be mutually reinforcing" and "while the initial focus will be on analysis and assessment, the relative consideration of the elements set out in paragraph 2 (a) to 2 (f) of the Berlin Mandate will increase as the process advances" (FCCC/AGBM/1995/2, para. 19 (c) and (e)).

2. At its first session, the AGBM decided to "take decisions, at its second session, on further work, on who will undertake it and on completion dates" (FCCC/AGBM/1995/2, para. 19 (i)). The provisional agenda has been prepared on the understanding that these decisions will be taken within the context of specific agenda items rather than under a separate item relating to further work. In this way, it is hoped that the requests for inputs and further work can be linked closely to the issues at hand and that overlapping discussions can be avoided. It may, however, be necessary to take stock of the magnitude of the overall package of requests, including those already requested at the first session, to ensure that it can be delivered in the time available between sessions, bearing in mind the capacity of the secretariat and other bodies.

(b) Organization of work of the session

(i) Documentation

3. A list of documents relating to the provisional agenda, as well as other documents available at the session, is contained in annex I. In view of the limited time between sessions, several of the documents will be issued shortly before the session opens, and one, the thematic index to the compilation of comments from Parties, is unlikely to be available.

(ii) Schedule

4. The scheduling of meetings for the session will be based on the availability of facilities during normal working hours, when services are available for one meeting with interpretation from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. There will also be some facilities for informal meetings without interpretation. Delegations are urged to use these facilities fully by starting all meetings promptly at the scheduled time. A suggested approach to the organization of work is contained in annex II.

(c) Organization of the work of future sessions

5. It may be useful to look ahead to the programme and structure of the work of future sessions of the AGBM in the light of the conclusions reached at the second session. The Chairman may also provide an oral report on any decisions of the Bureau of the Conference of the Parties (COP) relating to the date and venue of the second session of the COP and to the schedule of meetings under the Convention in 1996 and 1997.

2. Election of officers other than the Chairman

6. It will be necessary for the AGBM to elect its remaining officers. The COP, after designating the Chairman of the AGBM, authorized him to undertake consultations with the regional groups in respect of nominations for the Bureau of the AGBM (see FCCC/CP/1995/7, para. 18). Since it was not possible to conclude this item at the first session, the Chairman undertook to continue his consultations (FCCC/AGBM/1995/2, para. 13) and will report on the results.

3. Strengthening the commitments in Article 4.2(a) and (b)

7. The COP agreed to begin a process to enable it to take appropriate action for the period beyond 2000, including the strengthening of the commitments of Annex I Parties, through the adoption of a protocol or another legal instrument. This process will, inter alia, aim both to elaborate policies and measures as well as to set quantified emission limitation and reduction objectives within specified time-frames, such as 2005, 2010 and 2020 (FCCC/CP/1995/7/Add.1, decision 1/CP.1, preamble and para. 2 (a)). These two elements are very closely related; there is an evident linkage between the adequacy of policies and measures and the achievement of quantified objectives within specified time-frames. Nevertheless, it is proposed that the two elements be considered at this point as two separate sub-items of the same agenda item in order to facilitate, and provide more focus for, the discussions.

8. There is also a linkage between each of these sub-items and item 5 of the provisional agenda, "Possible features of a protocol or another legal instrument". Thus, certain features directly related to one or other sub-item may be considered initially under that sub-item.

9. In considering the further work and inputs required under each sub-item, the AGBM may wish to identify the need for technical inputs and to assess whether these would be provided in time by the intergovernmental technical advisory panels to be established by the Subsidiary Body for Scientific and Technological Advice.

(a) Policies and measures

10. The Berlin Mandate provides that "the process will include in its early stages an analysis and assessment, to identify possible policies and measures for Annex I Parties which could contribute to limiting and reducing emissions by sources and protecting and enhancing sinks and reservoirs of greenhouse gases. This process could identify environmental and economic impacts and the results that could be achieved with regard to time horizons such as 2005, 2010, and 2020" (FCCC/CP/1995/7/Add.1, decision 1/CP.1, para. 4).

11. This analysis and assessment might be advanced at the second session in two respects:

(a) Parties or groups of Parties may wish to **contribute to the analysis and assessment** by bringing forward analytical information they consider relevant. This could include information from their national experiences, for example, as reflected in their national communications, and information from authoritative sources. Relevant information may include assessments of promising policies and measures and their impacts, as well as proposals on how policies and measures may best be identified. The purpose of such a discussion would be to gain a better appreciation of promising measures for further consideration and to begin the process of elaborating the policies and measures to be included in the protocol or another legal instrument; and

(b) The AGBM may also wish to **take stock** of the information on policies and measures that is currently available, or in preparation, and, in accordance with the conclusions reached at its first session (FCCC/AGBM/1995/2, para. 19 (i)), **decide on what further work** will be required, on who will undertake it and on completion dates. Any resource implications of such requests, and capacities to respond in time, must be borne in mind.

12. In view of the significant array of potential policies and measures available to respond to climate change, and the impracticality of undertaking an analysis and assessment of all of them, Parties may wish to begin to narrow the range of policies and measures that are considered relevant for the purposes of the Berlin Mandate and for analysis and assessment. Attention is drawn to section I and the appendix of document FCCC/AGBM/1995/4 on lists of issues identified by Parties. At the first session, and in subsequent submissions, some Parties referred to the nature of policies and measures that would be the focus of the Berlin Mandate process. They also identified specific categories of policies and measures which merit attention, as well as providing concrete examples of specific policies and measures.

13. The AGBM may wish to consider possible vehicles for undertaking the analysis and assessment, in addition to the documents submitted and their consideration in the AGBM. Panel discussions, workshops and informal meetings have been mentioned by some Parties as complementary means of analysis and assessment. These activities could take place as part of an AGBM session, on the margins of a session (for example, during evenings or weekends) or independently from a session and could be organized by the secretariat, by a Party or Parties, or by other entities. In order to be effective, careful preparation and organization would be necessary. An analysis of the budgetary implications of any concrete proposal would be required.

14. In addition to the document mentioned in paragraph 12 above, the following documents may be relevant to the discussion of this sub-item (see annex I for full titles):

- Implementation of the Berlin Mandate: comments from Parties (FCCC/AGBM/1995/MISC.1 and Add.1)

- The draft protocol proposed by Trinidad and Tobago on behalf of the Alliance of Small Island States (AOSIS) and the proposals from Germany for further elements of a protocol (A/AC.237/L.23 and Add.1)*

- Review of the adequacy of Article 4, paragraph 2 (a) and (b): comments from Parties and other member States (FCCC/CP/1995/MISC.1 and Add.1 and A/AC.237/MISC.43 and Add.1)

- Annotated compilation of information relevant to the Berlin Mandate process (FCCC/AGBM/1995/5); and Review of the adequacy of commitments in Article 4, paragraph 2 (a) and (b): annotated compilation of international, peer-reviewed literature (A/AC.237/83)

- Policies and measures identified in national communications from Annex I Parties (FCCC/AGBM/1995/6)

The AGBM will also receive a progress report from the Annex I Parties on the work being carried out for them by the joint project of the Organisation for Economic Co-operation and Development and the International Energy Agency on policies and measures for "common action" (see FCCC/AGBM/1995/2, para. 19 (f) (vii)).

15. Following discussion on the topics mentioned above, the conclusions of the AGBM on this sub-item could address points such as:

(a) Any preliminary results from the analysis and assessment;

(b) Criteria for identifying promising policies and measures, taking account of experiences and impacts;

(c) Considerations pertaining to the approach to be used in incorporating policies and measures in the protocol or another legal instrument (for example, degree of detail, legal character);

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* For this and subsequent references, document A/AC.237/L.23/Add.1 should be considered in the light of the statement by Germany (see FCCC/AGBM/1995/MISC.1/Add.1, p. 30) on consistency with decision 1/CP.1 on the Berlin Mandate.

(d) Further work required, who should undertake it and completion dates; and

(e) Complementary vehicles for analysis and assessment.

(b) Quantified emission limitation and reduction objectives within specified time-frames

16. The Berlin Mandate provides that the process will, inter alia, aim, as the priority in the process of strengthening the commitments in Article 4.2(a) and (b) for Annex I Parties, "to set quantified limitation and reduction objectives within specified time-frames, such as 2005, 2010 and 2020, for their anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol ..." (FCCC/CP/1995/7/Add.1, decision 1/CP.1, para. 2 (a)). The AGBM may wish to have a preliminary discussion of such quantified objectives. This would provide an opportunity for an initial exchange of views on the scope of the options available, such as the nature of possible objectives, and could set the stage for the identification of a limited number of scenarios as some delegations proposed at the first session.

17. On the basis of discussions at the first session, and issues raised in submissions (see FCCC/AGBM/1995/4, section II), Parties may wish to exchange views and to bring forward substantive information and/or proposals on issues such as:

(a) The implementation of existing commitments and the lessons from this experience;

(b) Projections of, or trends in, emissions and removals in the context of this sub-item;

(c) The identification and analysis of a limited number of scenarios or objectives, including their impacts;

(d) Differentiation among Annex I Parties; and

(e) Equitable burden sharing or collective targets to address the fair distribution of costs among Annex I Parties.

18. In addition to the document mentioned in paragraph 17 above, the following documents may be relevant to the discussion of this sub-item (see annex I for full titles):

- Implementation of the Berlin Mandate: comments from Parties (FCCC/AGBM/1995/MISC.1 and Add.1)

- The draft protocol proposed by Trinidad and Tobago on behalf of the Alliance of Small Island States (AOSIS) and proposals from Germany for further elements of a protocol (A/AC.237/L.23 and Add.1)

- Review of the adequacy of Article 4, paragraph 2 (a) and (b): comments from Parties and other member States (FCCC/CP/1995/MISC.1 and Add.1 and A/AC.237/MISC.43 and Add.1)

- Annotated compilation of information relevant to the Berlin Mandate process (FCCC/AGBM/1995/5); and Review of the adequacy of commitments in Article 4, paragraph 2 (a) and (b): annotated compilation of international, peer-reviewed literature (A/AC.237/83)

19. The conclusions on this sub-item could reflect the discussion on the above points and, in accordance with the conclusion at the first session (FCCC/AGBM/1995/2, para. 19 (i)), include decisions on what further work will be required, on who will undertake it and on completion dates. Such decisions will have to take account of the resource implications and the time required to undertake the work.

4. Continuing to advance the implementation of Article 4.1

20. The Berlin Mandate provides that the process will "not introduce any new commitments for Parties not included in Annex I, but reaffirm existing commitments in Article 4.1 and continue to advance the implementation of these commitments in order to achieve sustainable development, taking into account Article 4.3, 4.5 and 4.7" (FCCC/CP/1995/7/Add.1, decision 1/CP.1, para. 2 (b)). The AGBM, in its first discussion of this matter, may wish to explore the nature and scope of this element of the Berlin Mandate process and to adopt initial conclusions, including those with regard to any inputs required for the third or future sessions. Recalling that Article 4.1 applies to all Parties, the AGBM may also wish to explore, inter alia, opportunities for advancing the implementation of commitments related to technology (including its development, diffusion and transfer) and communications by non-Annex I Parties, as well as any implications for the financial mechanism of the Convention.

21. Documents that may be relevant to this discussion include the compilation of submissions for Parties (FCCC/AGBM/1995/MISC.1 and Add.1) as well as the lists of issues identified by Parties (FCCC/AGBM/1995/4, section III).

5. Possible features of a protocol or another legal instrument

22. The AGBM may consider it useful to have an initial exchange of views on the possible features of a protocol or another legal instrument. Such a discussion would help in

the ongoing design and implementation of the analysis and assessment and assist in orienting the preparations for forthcoming sessions.

23. Under this item, the AGBM may consolidate relevant elements arising from preceding items. Delegations may also wish to comment on issues such as:

(a) The structure and possible elements of a protocol or another legal instrument, including the possible role and legal nature of annexes;

(b) Any mechanisms for coordination and for review that may be considered necessary;

(c) Institutional arrangements and processes under a protocol or another legal instrument and their linkages with arrangements and processes under the Convention (for example, the subsidiary bodies, the financial mechanism, the secretariat and the process for submission and review of national communications); and

(d) How paragraph 1 (f) of the Berlin Mandate (see FCCC/CP/1995/7/Add.1, decision 1/CP.1), relating to the coverage of all greenhouse gases, their emissions by sources and removals by sinks, is to be reflected.

24. Documents that may be relevant to this discussion include the compilation of submissions from Parties (FCCC/AGBM/1995/MISC.1 and Add.1), the lists of issues identified by Parties (FCCC/AGBM/1995/4, section IV) and the protocol proposal submitted by Trinidad and Tobago together with comments submitted by Germany (A/AC.237/L.23 and Add.1).

25. The AGBM may wish to adopt initial conclusions on the above points with a view to returning to the issues and expanding the scope of the discussion at a future session in line with progress achieved on other aspects of the Berlin Mandate process. Any documents required for the third or subsequent sessions should also be requested.

6. Report on the session

26. The relatively short length of the session, as well as the nature and timing of the discussion, may affect the extent to which a draft text of the report on the work of the session could be available at the end of the session. The AGBM may wish to adopt decisions or texts of substantive conclusions under the relevant items and sub-items of the agenda and, as at the first session, authorize the Rapporteur to complete the report after the session, under the guidance of the Chairman and with the assistance of the secretariat. While every effort will be made to have conclusions available in all languages, this can only be possible if sufficient time is available for translation.

Annex I

LIST OF DOCUMENTS FOR THE SECOND SESSION OF THE AD HOC GROUP ON THE BERLIN MANDATE

Documents prepared for the session

FCCC/AGBM/1995/3	Provisional agenda and annotations. Note by the Executive Secretary
FCCC/AGBM/1995/3/Add.1	Annotations to the provisional agenda, including suggestions for the organization of work. Note by the Executive Secretary
FCCC/AGBM/1995/4	Lists of issues identified by Parties. Note by the secretariat
FCCC/AGBM/1995/5	Annotated compilation of information relevant to the Berlin Mandate process. Note by the secretariat
FCCC/AGBM/1995/6	Policies and measures identified in the national communications from Annex I Parties. Note by the secretariat
FCCC/AGBM/1995/MISC.1/Add.1	Implementation of the Berlin Mandate: comments from Parties

Other documents for the session

FCCC/AGBM/1995/2	Report of the Ad Hoc Group on the Berlin Mandate on the work of its first session held at Geneva from 21 to 25 August 1995
FCCC/AGBM/1995/MISC.1	Implementation of the Berlin Mandate: comments from Parties
FCCC/CP/1995/7and Add.1 and Corr.1 (French only) and Corr.2 (Spanish only)	Report of the Conference of the Parties on its first session, held at Berlin from 28 March to 7 April 1995

FCCC/CP/1995/MISC.1 and Add.1	Matters relating to commitments: review of the adequacy of Article 4, paragraph 2 (a) and (b): comments from Parties and other member States
A/AC.237/L.23	Matters relating to commitments: review of the adequacy of commitments in Article 4, paragraph 2 (a) and (b): letter dated 20 September 1994 from the Permanent Representative of Trinidad and Tobago to the United Nations in New York to the Executive Secretary of the interim secretariat, transmitting a draft protocol to the United Nations Framework Convention on Climate Change on greenhouse gas emissions reduction
A/AC.237/L.23/Add.1	Matters relating to commitments: review of the adequacy of commitments in Article 4, paragraph 2 (a) and (b): letter dated 22 September 1994 from the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of Germany to the Executive Secretary of the interim secretariat, transmitting proposals for further elements of a protocol to the Convention
A/AC.237/83	Matters relating to commitments: review of the adequacy of commitments in Article 4, paragraph 2 (a) and (b): Annotated compilation of international, peer-reviewed literature
A/AC.237/MISC.43 and Add.1	Matters relating to commitments: review of the adequacy of Article 4, paragraph 2 (a) and (b): comments from Parties or other member States

Other documents available at the session for reference purposes

FCCC/SBSTA/1995/3	Report of the Subsidiary Body for Scientific and Technological Advice on the work of its first session held at Geneva from 28 August to 1 September 1995
FCCC/SBI/1995/5	Report of the Subsidiary Body for Implementation on the work of its first session held at Geneva on 31 August 1995

Annex II

PROPOSED SCHEDULE OF WORK FOR THE SECOND SESSION OF THE AD HOC GROUP ON THE BERLIN MANDATE

DATE	SUGGESTED ORGANIZATION OF WORK
Monday 30 October	
3 p.m. - 6 p.m.	Item 1: Organizational matters: (a) Adoption of the agenda; (b) Organization of work of the session. Item 2: Election of officers other than the Chairman. Item 3: Strengthening the commitments in Article 4.2(a) and (b): (a) Policies and measures.
Tuesday 31 October	
10 a.m. - 1 p.m.	Item 3: Strengthening the commitments in Article 4.2(a) and (b): (a) Policies and measures (continued); (b) Quantified emission limitation and reduction objectives within specified time-frames.
3 p.m. - 6 p.m.	Item 3: Strengthening the commitments in Article 4.2(a) and (b): (b) Quantified emission limitation and reduction objectives within specified time-frames (continued). Item 4: Continuing to advance the implementation of Article 4.1.

DATE	SUGGESTED ORGANIZATION OF WORK
Wednesday 1 November	
10 a.m. - 1 p.m.	Item 5: Possible features of a protocol or another legal instrument.
3 p.m. - 6 p.m.	Informal consultations on conclusions.
Thursday 2 November	
10 a.m. - 1 p.m.	Informal consultations on conclusions.
3 p.m. - 6 p.m.	Item 1: Organizational matters: (c) Organization of the work of future sessions. Informal consultations on conclusions.
Friday 3 November	
10 a.m. - 1 p.m.	Informal consultations on conclusions.
3 p.m. - 6 p.m.	Item 6: Report on the session.